

AMENDED IN SENATE APRIL 29, 2009

AMENDED IN SENATE MARCH 31, 2009

**SENATE BILL**

**No. 524**

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**Introduced by Senator Correa**

February 27, 2009

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An act to add Section 42173 to the Public Resources Code, relating to solid waste.

LEGISLATIVE COUNSEL'S DIGEST

SB 524, as amended, Correa. Solid waste: auto shredder residue.

The California Integrated Waste Management Act of 1989 requires materials that require special handling, as defined, to be removed from major appliances and vehicles in which they are contained prior to crushing for transport or transferring to a baler or shredder for recycling. The act requires the California Integrated Waste Management Board (board), in consultation with specified entities, including the Department of Toxic Substances Control, to evaluate the use of recycling residue, which is defined as nonhazardous residue or residue treated to be nonhazardous that is a direct result of a metals recovery operation for the express purposes of recycling, for use as solid waste landfill cover materials or for use as extenders for currently used cover material.

Existing law, by regulation, authorizes auto shredder waste that is treated as required by regulation to be used as alternative daily cover if specified requirements are met.

This bill would require the Secretary for Environmental Protection, on or before February 1, 2010, to establish an auto shredder residue working group, comprised of representatives of the board, the department, the State Air Resources Board, the State Water Resources Control Board, members of the auto shredder industry, *landfill*

operators, and other interested stakeholders. The bill would require the working group to review and evaluate the existing practice of using treated auto shredder residue as alternative daily cover, determine the environmental and economic effects of the department's proposed revocation of the current regulatory classification of treated auto shredder residue and resulting prohibitions on its use as alternative daily cover, determine whether the current regulatory classification of treated auto shredder residue poses a significant threat to human health and the environment, *identify the constituents in auto shredder residue that could pose health and safety or environmental problems when used as alternative daily cover in accordance with applicable regulations, recommend approaches to work with the auto industry to manufacture vehicles that produce less hazardous waste at end-of-life,* and recommend changes to statute, regulation, or agency practice, if any, based on the working group's analysis.

The bill would require the secretary, on or before December 31, 2010, to report to the Legislature on the findings of the working group, and would prohibit the department from altering the current regulatory status ~~quo authorizing the use of auto shredder residue pending the secretary's issuance of the report~~ *of auto shredder residue without first considering the factors the working group is required to consider. The bill would require a decision by the department to change the regulatory status of auto shredder residue to be implemented in accordance with the rulemaking provisions of the Administrative Procedure Act.*

Vote: majority. Appropriation: no. Fiscal committee: yes.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares all of the
- 2 following:
- 3 (a) State and federal law require operators of solid waste landfills
- 4 to cover disposed solid waste with six inches of earthen material
- 5 at the end of each operating day to control disease vectors, fires,
- 6 odors, blowing litter, and scavenging. Certain alternative materials
- 7 are allowed to be used to meet this daily cover requirement.
- 8 (b) The California Integrated Waste Management Board has
- 9 adopted regulations allowing treated auto shredder residue to be
- 10 used as alternative cover material. Auto shredder residue is the
- 11 nonmetallic residue that remains after the removal of recyclable

1 ferrous and nonferrous metals from shredder feedstock. The  
2 primary sources of these recyclable metals include end-of-life  
3 vehicles and common household appliances.

4 (c) Treated auto shredder residue has been used as alternative  
5 daily cover at California's solid waste landfills since the late 1980s.  
6 In 2008, over 500,000 tons of treated auto shredder residue were  
7 used as alternative daily cover at California solid waste landfills.  
8 Studies have been conducted that demonstrate the benefits of using  
9 treated auto shredder residue as alternative daily cover. ~~Conversely,~~  
10 ~~there is no evidence that use of treated auto shredder residue as~~  
11 ~~alternative daily cover poses a threat to human health or the~~  
12 ~~environment, including groundwater.~~

13 (d) The Department of Toxic Substances Control has announced  
14 its intention to alter the current regulatory status of treated auto  
15 shredder residue. If this action were taken, it ~~would~~ *could*, among  
16 other things, ~~bar the continued beneficial use of treated auto~~  
17 ~~shredder residue as alternative daily cover, and jeopardize effective~~  
18 ~~metal recycling. The impact of this action has not been analyzed.~~  
19 ~~However, it is projected to~~ *things*, result in higher landfill costs,  
20 increased use of green waste as alternative daily cover, significant  
21 increases in vehicle miles traveled and greenhouse gas emissions,  
22 and severe disruption of the metal recycling industry in California.

23 (e) ~~There has been no meaningful intra-agency analysis of the~~  
24 ~~Department of Toxic Substances Control's planned regulatory~~  
25 ~~action by the constituent boards within the California~~  
26 ~~Environmental Protection Agency.~~

27 (f)

28 (e) It is in the best interest of the people of the State of California  
29 to identify in advance the environmental and economic effects of  
30 the Department of Toxic Substances Control's proposed alteration  
31 of the regulatory status quo relating to treated auto shredder  
32 residue, including, but not limited to, the consequences if the  
33 residue no longer could be used as alternative daily cover.

34 SEC. 2. Section 42173 is added to the Public Resources Code,  
35 to read:

36 42173. (a) ~~(1)~~ On or before February 1, 2010, the Secretary  
37 for Environmental Protection shall establish an auto shredder  
38 residue working group, comprised of representatives of the board,  
39 the Department of Toxic Substances Control, the State Air  
40 Resources Board, the State Water Resources Control Board,

1 members of the auto shredder industry, *landfill operators*, and  
2 other interested stakeholders.

3 (b) The auto shredder residue working group shall do all of the  
4 following:

5 (1) Review and evaluate the existing practice of using treated  
6 auto shredder residue as alternative daily cover, ~~including~~  
7 ~~identifying the beneficial economic and environmental aspects of~~  
8 ~~that use.~~

9 (2) Determine the ~~environmental and economic~~ effects of the  
10 Department of Toxic Substances Control's proposed revocation  
11 of the current regulatory classification of treated auto shredder  
12 residue and resulting prohibitions on its use as alternative daily  
13 cover, including the potential ~~adverse~~ effects of those prohibitions  
14 or curtailments on recycling.

15 (3) Determine whether the current regulatory classification of  
16 treated auto shredder residue poses a ~~significant~~ threat to human  
17 health or the environment.

18 (4) *Identify the constituents in auto shredder residue that could*  
19 *pose health and safety or environmental problems when used as*  
20 *alternative daily cover in accordance with applicable regulations.*

21 (5) *Recommend approaches to work with the auto industry to*  
22 *manufacture vehicles that produce less hazardous waste at*  
23 *end-of-life.*

24 ~~(4)~~

25 (6) Recommend changes to statute, regulation, or agency  
26 practice, if any, based on the results of the working group's  
27 analysis.

28 (c) On or before December 1, 2010, the Secretary for  
29 Environmental Protection shall report to the Legislature on the  
30 findings and recommendations of the auto shredder residue working  
31 group.

32 (d) Notwithstanding any other provision of law, the Department  
33 of Toxic Substances Control shall not alter the current regulatory  
34 ~~status quo authorizing the use of auto shredder residue as~~  
35 ~~alternative daily cover pending the issuance of the report by the~~  
36 ~~Secretary for Environmental Protection pursuant to subdivision~~  
37 ~~(e). status of auto shredder residue without first considering the~~  
38 ~~factors in subdivision (b). A decision by the Department of Toxic~~  
39 ~~Substances Control to change the regulatory status of auto~~  
40 ~~shredder residue shall be implemented pursuant to Chapter 3.5~~

1 *(commencing with Section 11340) of Part 1 of Division 3 of Title*  
2 *2 of the Government Code.*

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